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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Compliance Committee

Forty-second meeting
Geneva, 24–27 September 2013

Report of the Compliance Committee on its forty-second meeting

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Introduction

1. The forty-second meeting of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held from 24 to 27 September 2013 in Geneva, Switzerland.

A. Attendance

2. All the Committee members were present throughout the meeting, with the exception of Mr. Jonas Ebbesson, who was not present after 10 a.m. on the fourth day of the meeting. Members having declared a conflict of interest with respect to particular cases did not participate in closed sessions deliberating on those cases. Representatives of the Government of Belarus participated during the open session on the afternoon of the third day of the meeting both in person and by teleconference, and representatives of the Governments of Armenia and the Republic of Moldova participated in the open sessions via teleconference.

3. Also participating as observers during the open sessions were members of the public and representatives of non-governmental organizations (NGOs), including: Ecohome (Belarus); Quaker United Nations Office (Switzerland); Earthjustice (Switzerland); and Resource and Analysis Center "Society and Environment" (Ukraine). Both Earthjustice and the Resource and Analysis Center "Society and Environment" also participated on behalf of the European ECO Forum. A representative of the Dalma-Sona Fund (Armenia) and the International Environmental Association of River Keepers (Eco-TIRAS) (Republic of Moldova) took part in the relevant sessions of the meeting via teleconference.

B. Organizational matters

4. The Chair of the Compliance Committee, Mr. Jonas Ebbesson, opened the meeting. The Vice-Chair, Mr. Alexander Kodjabashev, chaired the meeting from 10 a.m. on the fourth day until the closure of the meeting.

5. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2013/7.

I. New submissions and referrals under the Convention

6. The secretariat informed the Committee that no new submissions had been made by Parties concerning compliance by other Parties.

7. The secretariat informed the Committee that no submissions had been made by Parties concerning problems with their own compliance since the Committee's last meeting.

8. No referrals had been made by the secretariat since the Committee's last meeting.

II. Communications from members of the public

9. With regard to communication ACCC/C/2008/31 (Germany), the Committee completed its draft findings in closed session. It requested the secretariat to send the draft findings to the Party concerned and the communicants for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7. The Committee would take

into account any comments received when finalizing the findings at its forty-third meeting (Geneva, 17–20 December 2013).

10. Concerning communication ACCC/C/2008/32 (European Union (EU)), the secretariat informed the Committee that no additional information had been received and that the two cases relating to the communication[1] were still pending before the Court of Justice of the EU.

11. At its forty-first meeting (Geneva, 25–28 June 2013), the Committee had completed its revised draft findings in closed session with regard to communication ACCC/C/2010/51 (Romania). The findings had then been sent for comments to the Party concerned and the communicants on 16 July 2013. The communicant had provided comments on 13 August 2013; no comments had been received from the Party concerned. The Committee agreed to finalize its findings at its forty-third meeting, taking into account the comments received.

12. With regard to communication ACCC/C/2010/55 (United Kingdom of Great Britain and Northern Ireland), the secretariat informed the Committee that no additional information had been received.

13. At its forty-first meeting, the Committee had completed its draft findings in closed session with regard to communication ACCC/C/2011/63 (Austria). The findings had then been sent for comments to the Party concerned and the communicants on 18 August 2013. The Party concerned had provided comments on 18 July 2013. No comments had been received from the communicant. The Committee finalized its findings, taking into account the comments received. It adopted its findings and instructed the secretariat to prepare official versions of the adopted findings as a formal pre-session document to its forty-fourth meeting (Geneva, 24–28 March 2014), and to ensure their availability in the three official United Nations Economic Commission for Europe (ECE) languages. The Committee requested the secretariat to send the finalized findings to the Party concerned and the communicant.

14. At its forty-first meeting, the Committee had completed its draft findings in closed session with regard to communication ACCC/C/2012/66 (Croatia). The findings had then been sent for comments to the Party concerned and the communicants on 18 July 2013. Comments had been provided by the communicant on 12 August 2013 and by the Party concerned on 2 September 2013. The Committee finalized its findings, taking into account the comments received. It adopted its findings and instructed the secretariat to prepare official versions of the adopted findings as a formal pre-session document to its forty-fourth meeting, and to ensure their availability in the three official ECE languages. The Committee requested the secretariat to send the finalized findings to the Party concerned and the communicant.

15. Also at its forty-first meeting, the Committee had completed its draft findings in closed session with regard to communication ACCC/C/2012/68 (EU and the United Kingdom). The draft findings had then been sent for comments to the Parties concerned and the communicants on 30 July 2013. Comments had been provided by the communicant on 23 August 2013 and by both Parties concerned on 27 August 2013. Additional comments had been received from the communicant on 2 September 2013 and from one of the Parties concerned (United Kingdom) on 6 September 2013. The Committee finalized its findings, taking into account the comments received. It adopted its findings and instructed the secretariat to prepare official versions of the adopted findings as a formal pre-session document to its forty-fourth meeting, and to ensure their availability in the three official

[1] *Council v. Stichting Natuur en Milieu and Pesticide Action Network Europe*, case C-404/12 P and *Commission v. Stichting Natuur en Milieu and Pesticide Action Network Europe*, case C-405/12 P.

ECE languages. The Committee requested the secretariat to send the finalized findings to the Parties concerned and the communicant.

16. Concerning communication ACCC/C/2012/69 (Romania), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its forty-third meeting, with a view to completing its draft findings and, as appropriate, recommendations, which would then be sent for comment to the Party concerned and the communicant.

17. With respect to communication ACCC/C/2012/70 (Czech Republic), the Committee completed its draft findings in closed session. It requested the secretariat to send the draft findings to the Party concerned and the communicants for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7. The Committee would take into account any comments when finalizing the findings at its forty-third meeting.

18. On communication ACCC/C/2012/71 (Czech Republic), the Committee continued its deliberations in closed session and agreed to continue its deliberations at its next meeting with a view to completing its draft findings and, as appropriate, recommendations, which would then be sent for comment to the Party concerned and the communicant.

19. Concerning communication ACCC/C/2012/76 (Bulgaria), the Committee continued its deliberations in closed session, taking note of the information submitted by the communicant on 21 August 2013 and by the Party concerned on 22 August 2013. The Committee agreed to continue its deliberations on the matter at its next meeting with a view to completing its draft findings and, as appropriate, recommendations, which would then be sent for comment to the Party concerned and the communicant.

20. With respect to communication ACCC/C/2012/77 (United Kingdom), the Committee continued its deliberations in closed session, taking note of the information submitted by both parties on 19 August 2013. The Committee agreed to continue its deliberations on the matter at its next meeting with a view to completing its draft findings and, as appropriate, recommendations, which would then be sent for comment to the Party concerned and the communicant.

21. With regard to communication ACCC/C/2012/78 (Spain), the Committee noted that the Party concerned's response of 12 June 2013 had been forwarded to the communicant for its views as to whether, in the light of that response, the case should remain open. In its response of 11 August 2013, the communicant acknowledged that it had received most of the information requested, but expressed its wish that the case remain open. Given that the situation with regard to access to information had been redressed at the domestic level and also the fact that the allegations of the communication relating to access to justice would be considered under the summary proceedings procedure in the context of the follow-up with decision IV/9f (Spain), the Committee decided to close the case.

22. Concerning communication ACCC/C/2013/81 (Sweden), the Committee noted that the communicant had responded to the questions put by the Committee on 24 September 2013, and that the Party concerned had provided its response on 26 September 2013, inter alia, informing the Committee about the ongoing appeal procedure before the Land and Environmental Court. In the light of the response of the Party concerned, the Committee decided to consider at its next meeting whether to postpone or close the case.

23. Concerning communication ACCC/C/2013/83 (United Kingdom), the Committee noted that the Party concerned had provided its response on 3 September 2013, before the deadline of 2 October 2013. The communicant had not yet replied to the questions put by the Committee; that response was due by 2 October 2013. Depending on the responses received from the communicant, the Committee would decide how to proceed with the case at its next meeting.

24. On communication ACCC/C/2013/85 (United Kingdom), the Committee noted that the deadline of 22 December 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fourth meeting, possibly jointly with ACCC/C/2013/86 (United Kingdom).

25. Regarding communication ACCC/C/2013/86 (United Kingdom), the Committee noted that the deadline of 22 December 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fourth meeting, possibly jointly with ACCC/C/2013/85 (United Kingdom).

26. With respect to communication ACCC/C/2013/87 (Ukraine), the Committee noted that the deadline of 26 December 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fourth meeting.

27. In relation to communication ACCC/C/2013/88 (Kazakhstan), the Committee noted that the deadline of 26 December 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fourth meeting.

28. Concerning communication ACCC/C/2013/89 (Slovakia), the Committee noted that the deadline of 26 December 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee noted that it had received additional information from the communicant on 19 September 2013, and it agreed to ask the Party concerned to respond to that additional information in its response. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fourth meeting.

29. At its forty-first meeting, the Committee had deferred the determination on the preliminary admissibility of four communications to its forty-second meeting. It had also received two further communications since that meeting. It considered the preliminary admissibility of those six new communications (as set out below).

30. Communication ACCC/C/2013/90 (United Kingdom), submitted by River Faughan Anglers Ltd, alleged non-compliance by the Party concerned with articles 1, 3, 4, 6 and 9 of the Convention owing to the Party concerned's alleged refusal to provide requested environmental information, to provide opportunities for the public to participate at an early stage in decision-making concerning the River Faughan and to provide adequate and effective and not prohibitively expensive access to justice. The Committee determined that the communication was admissible on a preliminary basis, but agreed that it should be suspended pending the outcome of the communicant's ongoing court proceedings. At that stage, the Committee would decide whether to continue or close the case. It requested the secretariat to forward the communication to the Party concerned. Ms. Dana Zhandayeva was designated as curator for the case.

31. Communication ACCC/C/2013/91 (United Kingdom), submitted by Ms. Sylvia Kotting-Uhl, alleged non-compliance by the Party concerned with article 6 of the Convention in connection with its alleged failure to provide the German public with opportunities to participate in a transboundary environmental impact assessment procedure concerning the proposed construction of two nuclear reactors at Hinkley Point. The Committee determined that the communication was admissible on a preliminary basis and requested the secretariat to forward the communication to the Party concerned. Mr. Jerzy Jendrośka was designated as curator for the case. The Committee noted that it might consider the communication jointly with ACCC/C/2013/92 (Germany).

32. Communication ACCC/C/2013/92 (Germany), submitted by Ms. Brigitte Artmann, alleged non-compliance by the Party concerned with articles 1, 3, 4 and 6 of the Convention in connection with its alleged failure to provide the German public with opportunities to participate in a transboundary environmental impact assessment procedure concerning the proposed construction of two nuclear reactors at Hinkley Point. The Committee determined that the communication was admissible on a preliminary basis and requested the secretariat to forward the communication to the Party concerned. Mr. Jerzy Jendrośka was designated as curator for the case. The Committee noted that it might consider the communication jointly with ACCC/C/2013/91 (United Kingdom).

33. Communication ACCC/C/2013/93 (Norway), submitted by Mr. Ole Kristian Fauchald, alleged non-compliance with articles 4 and 9 of the Convention owing to the alleged refusal by the Party concerned of the communicant's request for access to the legal assessment carried out prior to the adoption of the Nature Diversity Act. The Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Mr. Ion Diaconu was designated as curator for the case.

34. Communication ACCC/C/2013/94 (Denmark), submitted by Beboerforeningerne omkring Marmorkirken, a residents' association, alleged non-compliance with articles 6, 7 and 9 of the Convention in connection with the construction of an underground metro in central Copenhagen. The Committee determined that the communication was admissible on a preliminary basis, but that it should be suspended pending the outcome of the communicant's appeal to the Environmental Appeals Board. At that stage, the Committee would decide whether to continue or close the case. It requested the secretariat to forward the communication to the Party concerned. Mr. Gerhard Loibl was designated as curator for the communication.

35. Communication ACCC/C/2013/95 (United Kingdom), submitted by Mr. Roy Kenneth Wilson, alleged non-compliance with article 9 of the Convention in connection with his efforts to challenge acts and omissions by the Crawley Borough Council concerning the right of way adjacent to his residential property. The Committee found that the facts and allegations set out in the communication were beyond the scope of the provisions of the Convention and, thus, the communication was inadmissible under paragraph 20 (d) of the annex to decision I/7.

III. Reporting requirements

36. The secretariat informed the Committee that the former Yugoslav Republic of Macedonia remained the only Party to the Convention that had still failed to submit its implementation report, initially due in December 2010. In the meantime, several reminders had been sent to the Party. No formal response had been received.

37. The Committee also commenced the preparation of its own report to the Meeting of the Parties at its fifth session (Maastricht, the Netherlands, 30 June–4 July 2014), following the format used in its previous report to the Meeting of the Parties, while ensuring that any progress made by the Parties concerned during the intersessional period was properly reflected in the reports and the individual sets of findings and recommendations. In open session, the Committee invited observers to give their views on any general issues of compliance which they considered should be addressed by the Committee in its report to the Meeting of the Parties.

IV. Follow-up on specific cases of non-compliance

38. The Committee reviewed progress in the implementation of the findings and recommendations it had adopted since the fourth session of the Meeting of the Parties.

39. Concerning communication ACCC/C/2009/44 (Belarus), the Committee had adopted its findings (ECE/MP.PP/C.1/2011/6/Add.1) at its thirty-third meeting (Chisinau, 27–28 June 2011). By letter of 11 July 2013, the Party concerned had been invited to report on how it had addressed the Committee's recommendations in those findings (ibid., para 90) and to provide more specific information in response to the Committee Chair's letter of 5 October 2012 concerning the alleged arrest and detention of environmental activists. The Party concerned had responded on 30 July 2013, inter alia, to the Committee's request for more information concerning the alleged arrest and detention of environmental activists. It had also invited the Committee's comments on several draft legislative amendments and a draft resolution of the Council of Ministers of Belarus. During the telephone conference convened with the Party concerned to review its progress in implementing decision IV/9b (see para. 48 below), the Party concerned, the communicant and an observer, Ecohome (Belarus), had also made statements regarding the Party concerned's implementation of the Committee's recommendations. The Committee commenced preparation of its draft report to the Meeting of the Parties at its fifth session with respect to the progress made by the Party concerned in addressing the Committee's findings and recommendations on communication ACCC/C/2010/44, together with its report on the implementation of decision IV/9b. It agreed to continue the draft report at its forty-third meeting and thereafter to send it to the parties for their comments, taking into account any comments received before finalizing it for submission to the Meeting of the Parties.

40. With regard to communication ACCC/C/2010/48 (Austria), the Committee had adopted its findings (ECE/MP.PP/C.1/2012/4) at its thirty-seventh meeting (Geneva, 26–29 June 2012). By letter of 15 July 2013, the Party concerned had been invited to report on how it had addressed the Committee's recommendations in those findings. The Party concerned had responded on 10 September 2013, and the communicant had provided its comments on the Party's response on 23 September 2013. The Committee prepared its draft report to be submitted to the Meeting of the Parties at its fifth session with respect to the progress made by the Party concerned in addressing the Committee's findings and recommendations. It agreed to send the draft report to the parties for their comments prior to the Committee's forty-third meeting. The Committee would take into account any comments received on the draft report before finalizing the report at its forty-third meeting.

41. Regarding communication ACCC/C/2010/50 (Czech Republic), the Committee had adopted its findings (ECE/MP.PP/C.1/2012/11) at its thirty-seventh meeting. By letter of 15 July 2013, the Party concerned had been invited to report on how it had addressed the Committee's recommendations in those findings. The Party concerned had responded on 12 September 2013 and the communicant and an observer had provided comments on the Party's response on 23 September 2013. The Committee prepared its draft report to be submitted to the Meeting of the Parties at its fifth session with respect to the progress made by the Party concerned in addressing the Committee's findings and recommendations. It agreed to send the draft report to the parties for their comments prior to the Committee's forty-third meeting. The Committee would take into account any comments received on the draft report before finalizing the report at its forty-third meeting.

42. With respect to communication ACCC/C/2010/54 (EU), the Committee had adopted its findings (ECE/MP.PP/C.1/2012/12 and Corr.1) at its thirty-seventh meeting. By letter of 15 July 2013, the Party concerned had been invited to report on how it had addressed the Committee's recommendations in those findings. The Party concerned had responded on

1 August 2013, and the communicant had provided its comments on the Party's response on 23 August 2013. The Committee prepared its draft report to the Meeting of the Parties at its fifth session with respect to the progress made by the Party concerned in addressing the Committee's findings and recommendations. It agreed to send the draft report to the parties for their comments prior to the Committee's forty-third meeting. The Committee would take into account any comments received on the draft report before finalizing the report at its forty-third meeting.

43. Concerning communication ACCC/C/2011/57 (Denmark), the Committee had adopted its findings (ECE/MP.PP/C.1/2012/7) at its thirty-sixth meeting (Geneva, 27–30 March 2012). By letter of 15 July 2013, the Party concerned had been invited to report on how it had addressed the Committee's recommendations in those findings. The Party concerned had responded on 16 September 2013. The Committee prepared its draft report to be submitted to the Meeting of the Parties at its fifth session with respect to the progress made by the Party concerned in addressing the Committee's findings and recommendations. It agreed to send the draft report to the parties for their comments prior to the Committee's forty-third meeting. The Committee would take into account any comments received on the draft report before finalizing the report at its forty-third meeting.

44. With regard to communication ACCC/C/2011/58 (Bulgaria), the Committee had adopted its findings (ECE/MP.PP/C.1/2013/4) at its thirty-eighth meeting (Geneva, 25–28 September 2012). By letter of 15 July 2013, the Party concerned had been invited to report on how it had addressed the Committee's recommendations in those findings. The Party concerned had provided its response on 19 September 2013 and the communicant had provided its comments on the Party's progress on the same date. The Committee prepared its draft report to be submitted to the Meeting of the Parties at its fifth session with respect to the progress made by the Party concerned in addressing the Committee's findings and recommendations. It agreed to send the draft report to the parties for their comments prior to the Committee's forty-third meeting. The Committee would take into account any comments received on the draft report before finalizing the report at its forty-third meeting.

45. Concerning communication ACCC/C/2011/59 (Kazakhstan), the Committee had adopted its findings (ECE/MP.PP/C.1/2013/9) at its fortieth meeting (Geneva, 25–28 March 2013). By letter of 11 July 2013, the Party concerned had been invited to report by 9 September 2013 on how it had addressed the Committee's recommendations in those findings, and the Party concerned had provided its response on the due date. The Committee commenced preparation of its draft report to the Meeting of the Parties at its fifth session with respect to the progress made by the Party concerned in addressing the Committee's findings and recommendations on communication ACCC/C/2011/59, together with its draft report on its progress in implementing decision IV/9c. The Committee agreed to continue work on the draft report at its forty-third meeting and to thereafter send it to the parties for their comments. The Committee would take any comments received into account before finalizing the report.

46. The Committee reviewed progress in the implementation of decisions IV/9 and IV/9a–i adopted at the fourth session of the Meeting of the Parties (see ECE/MP.PP/2011/2/Add.1).

47. With respect to decision IV/9a (Armenia), the Committee held a telephone conference with the Party concerned and an observer, Dalma-Sona Fund (Armenia), in which the Party concerned provided a statement as to how it had addressed each subparagraph of that decision, and the observer was invited to provide comments. The Committee commenced preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9a, and agreed to continue working on the draft report at its forty-third meeting. It would then send the draft report to the parties

for their comments, and would take any comments received into account before finalizing the report.

48. With respect to decision IV/9b (Belarus), the Committee held a telephone conference with the Party concerned in which the Party concerned provided a statement as to how it had addressed each subparagraph of that decision, as well as the Committee's findings and recommendations on communication ACCC/C/2009/44. The communicant for communication ACCC/C/2009/44 also provided its comments on the Party concerned's progress with respect to each subparagraph of the recommendations contained in decision IV/9b, as well as the Committee's recommendations on communication ACCC/C/2009/44. An observer, Ecohome (Belarus) also made a statement on the implementation of those recommendations. The Committee agreed on questions to be sent to the Party concerned for its written response after the meeting and commenced preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9b. It agreed to continue working on the draft report at its forty-third meeting and thereafter to send it to the parties for their comments, taking into account any comments received before finalizing the report.

49. With respect to decision IV/9c (Kazakhstan), the Committee noted that the progress report by the Party concerned regarding its implementation of that decision was due in November 2013. By letter of 2 May 2013, the Committee had invited the Party concerned to provide an update on its progress by 10 June 2013, prior to the Committee's forty-second meeting, but no response had been received from the Party by that date. The Party concerned had provided an update on 4 July 2013. By letter of 11 July 2013, the Committee had invited the Party concerned to provide a further update to the Committee by 9 September 2013, and the Party concerned had provided its response on the due date. The Committee commenced preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9c and agreed to continue that work at its forty-third meeting. It would then send the draft report to the parties for their comments and take any comments received into account before finalizing the report.

50. With respect to decision IV/9d (Republic of Moldova), the Committee held a telephone conference with the Party concerned and the communicant on communication ACCC/C/2008/30 in which the Party concerned provided a statement as to how it had addressed each subparagraph of that decision, and the communicant for communication ACCC/C/2008/30 provided its comments. The Committee agreed on questions to be sent to the Party concerned for its written response after the meeting, and commenced preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9d. It agreed to continue working on its draft report at its forty-third meeting and thereafter to send the draft report to the parties for their comments, taking any comments received into account before finalizing the report.

51. With regard to decision IV/9e (Slovakia), by letter of 11 July 2013 the Committee had requested the Party concerned to provide by 15 August 2013 clarification in relation to the legal framework in Slovakia for the update of old permits -- not limited to the permits in respect of the Mochovce nuclear power plant. The Party concerned had provided its response on 15 August 2013. On 19 September 2013, the communicant had provided information which, by e-mail of 26 September 2013, it had asked the Committee to consider both in respect of communication ACCC/C/2013/89 and decision IV/9e. The Committee commenced preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9e and agreed to continue work on the draft report at its forty-third meeting. It would then send the draft report to the parties for their comments, and take any comments received into account before finalizing the report.

52. With respect to decision IV/9f (Spain), the Committee noted that the progress report by the Party concerned regarding its implementation of that decision was due six months

before the fifth session of the Meeting of the Parties, i.e., by 30 December 2013. By e-mail of 30 August 2013, the Committee had invited the Party concerned to provide an update on its progress in implementing decision IV/9f prior to the Committee's forty-second meeting. The Party concerned had provided an update on 16 September 2013, indicating that it would be in a position to send further information on its progress by mid-October 2013. The Committee commenced preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9f and agreed to continue its work on the draft report at its forty-third meeting. It would then send the draft report to the parties for their comments, and take any comments received into account before finalizing the report.

53. With respect to decision IV/9g (Turkmenistan), the Committee noted that the ECE Executive Secretary, by letter of 11 July 2013, had written to the Party concerned to strongly encourage it to report by 15 August 2013 on the progress it had made in fulfilling the conditions set by the decision. However, no response had been received from the Party. The Committee commenced preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9g, and agreed to continue work on the draft report at its forty-third meeting. It would then send the draft report to the parties for their comments, and take any comments received into account before finalizing the report. The Committee also requested the secretariat to send a letter to the President of Turkmenistan bringing to his attention the issue of the Party's continued non-compliance with the Aarhus Convention.

54. With regard to decision IV/9h (Ukraine), the Committee noted that the progress report by the Party concerned regarding its implementation of that decision was due in November 2013, and that no new information had been received from the parties since the Committee's forty-first meeting. The Committee commenced preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9h, and agreed to continue work on its draft report at its forty-third meeting. It would then send the draft report to the parties for their comments, and take any comments received into account before finalizing the report. The Committee also requested the secretariat to send a letter to the President of Ukraine regarding the impending deadline for the submission of its progress report.

55. With regard to decision IV/9i (United Kingdom), the Committee noted that the progress report by the Party concerned regarding its implementation of that decision was due six months before the fifth session of the Meeting of the Parties, i.e., by 30 December 2013, and that no new information had been received from the parties since the Committee's forty-first meeting. The Committee agreed to invite the Party concerned to send its report earlier, if possible, in order that it might be taken into account by the Committee at its forty-third meeting. The Committee commenced preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9i and agreed to continue its work on the draft report at its forty-third meeting. It would then send the draft report to the parties for their comments, and take any comments received into account before finalizing the report.

V. Programme of work and calendar of meetings

56. The Committee recalled that it would hold its forty-third meeting from 17 to 20 December 2013, and confirmed that it would hold its forty-fourth meeting from 24 to 28 March 2014, i.e., for five days rather than four days, in order to allow for more time to finalize any pending matters with the Committee's present composition. The Committee's forty-fifth meeting would be held in Maastricht, the Netherlands, back to back with the fifth session of the Meeting of the Parties in June/July 2014. The Committee's forty-sixth and

forty-seventh meetings would again be held in Geneva, from 23 to 26 September 2014 and from 16 to 19 December 2014, respectively.

VI. Other business

57. The Chair informed the Committee of his mission to the United Kingdom on 17 September 2013, on the invitation of the Party concerned, in the context of the follow-up to decision IV/9i and in accordance with paragraph 25 of the annex to decision I/7. He had had the opportunity to meet with representatives of a number of ministries and agencies of the Party concerned first, followed by a meeting attended by both public officials and representatives of NGOs of the Party concerned. The Chair reported that the mission had provided a useful opportunity for exchange between the representatives of the Party concerned, the NGOs taking part and the Committee.

58. The Chair also informed the Committee that he had spoken at the twenty-fifth anniversary of the United Kingdom's Environmental Law Association on 13 July 2013 on the topic "The Aarhus Convention, Access to Justice and Compliance by the United Kingdom".

59. The secretariat invited the Committee's comments on draft interactive graphics it had prepared to inform the public, in a simple visual manner, about the work of the Committee to date. The draft interactive graphics would be circulated electronically to members of the Committee and those observers taking part in the session for their further comments before being finalized. The secretariat proposed that, once finalized, such graphics would be posted on the website and also disseminated through various media.

60. The secretariat also updated the Committee on the publication of the second edition of the Aarhus Convention Implementation Guide. A text-only version of the English edition had been available on the Convention's website since April 2013 and it was expected that hard copies of the publication would be published in December 2013.

61. The Committee noted that the preparation of its report to the upcoming session of the Meeting of the Parties presented a timely opportunity for it to highlight any recent developments in its modus operandi and to consider whether there were any aspects that could be improved. The Committee mandated the secretariat to review past meeting reports of the Committee and to prepare a short note highlighting any recent developments in the modus operandi agreed by the Committee. Observers were also invited to submit to the secretariat any suggestions as to how the Committee's methods of work might be improved as soon as possible, and not later than a month before the Committee's forty-third meeting at the end of December. Any suggestions received would be considered by the Committee at its forty-third meeting.

62. In that respect, Earthjustice, on behalf of the European ECO Forum, called for the Compliance Committee to look carefully at its current practices regarding open and closed sessions. While paragraph 33 of the annex to decision I/7 made clear that Parties and members of the public should not take part in the preparation and adoption of any findings, measures or recommendations of the Committee, Earthjustice submitted that all other aspects of the Committee's work should be conducted in open session. In particular, discussions on the preliminary admissibility of communications and on the follow-up to decisions of the Meeting of the Parties on compliance should be held in open session, unless the Committee was specifically preparing findings and recommendations concerning a Party's implementation of such a decision.

63. The Committee mandated the Chair, with the assistance of the secretariat, and in accordance with the Chair's note on promoting effective compliance with the Convention (AC/WGP-16/Inf.7),[2] to prepare draft terms of reference on the more systematic use of experts to promote effective compliance with the Convention on the basis of paragraph 25 of the annex to decision I/7 of the Meeting of the Parties. The Committee would consider the draft terms of reference at its forty-third meeting for possible submission to the Working Group of the Parties through the Bureau. Earthjustice, on behalf of the European ECO Forum, stressed that the Committee, as an independent body of the Convention that reported directly to the Meeting of the Parties, had no need to make any such proposals to the Working Group, but was completely within its powers under paragraph 25 (d) of the annex to decision I/7 to seek the services of experts and advisers, as appropriate.

64. Finally, an observer reported on the work of the Human Rights Council's Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. The report of the Independent Expert on human rights and the environment was expected to be published in late January 2014, and would be discussed in the Human Rights Council in March 2014.

65. The Committee took note of the information.

VII. Adoption of the report and closure of the meeting

66. The Committee agreed to adopt its report through electronic decision-making, in line with the Committee's electronic decision-making procedure. In the absence of the Chair, the Vice-Chair, Mr. Alexander Kodjabashev, officially closed the forty-second meeting.

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[2] The note was discussed at the Committee's fortieth meeting (ECE/MP.PP/C.1/2013/2, paras. 61–62), and subsequently presented to the Working Group of the Parties at its sixteenth meeting (Geneva, 19–21 June 2013). The Chair's note is available from http://www.unece.org/env/pp/aarhus/wgp16.html.